

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ROMAINE PURDY,	:	CIVIL ACTION NO. 1:05-CV-1294
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
PENNSYLVANIA PUBLIC UTILITY COMMISSION,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 1st day of November, 2005, upon consideration of the correspondence from plaintiff dated October 25, 2005, and addressed to the attention of the court, averring that counsel for plaintiff, Attorney Robert A. Berry, has not contacted plaintiff regarding the status of the above-captioned action, and it appearing that more than 120 days have elapsed since the filing of the complaint in this case, see FED. R. CIV. P. 4(m) ("If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court . . . shall dismiss the action . . . [or] extend the time for service for an appropriate period."), and that service of the complaint may not have been effected, it is hereby ORDERED that:

1. The Clerk of Court is directed to DOCKET UNDER SEAL the attached correspondence dated October 25, 2005, and to send a copy of the correspondence via United States mail to Attorney Robert A. Berry.
2. Attorney Robert A. Berry shall file, on or before November 11, 2005, a response showing cause why the above-captioned action should not be dismissed for failure to effect service. See FED. R. CIV. P. 4(m); see also FED. R. CIV. P. 6(b)(2) (setting forth "excusable neglect" standard for enlargement of time); Dominic v. Hess Oil V.I. Corp., 841 F.2d 513,

517 (3d Cir. 1988) (“Excusable neglect . . . require[s] a demonstration of good faith on the part of the party seeking an enlargement and some reasonable basis for noncompliance within the time specified in the rules.”).

3. Failure to comply with this order may result in the dismissal of this case. See FED. R. Civ. P. 4(m); id. 41(b).

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge